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NEW BRUNSWICK, NEW JERSEY 08933**

**FACSIMILE TRANSMISSION COVER SHEET**

**TO: Examiner Humera Sheikh  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**PTO FACSIMILE NUMBER: 571-273-0125**

**FROM: William E. McGowan  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Tel: (732) 524-2197**

**J&J FACSIMILE NUMBER: (732) 524-2808**

**DATE: April 25, 2007**

**NUMBER OF PAGES INCLUDING THIS COVER SHEET: 12**

**COMMENTS: Re: U.S. Serial No.: 09/938,454  
Our Docket No.: NEU0040USNP**

**Dear Examiner Sheikh:**

**Attached please find the response to the Notice of Non-Compliant Amendment which was timely filed with the USPTO on August 31, 2006 as indicated by the attached Auto-Reply Facsimile Transmission.**

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL  
(732) 524-3291**

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USPTO

8/31/2006 4:00:10 PM

PAGE

1/001

Fax Server

To-reply fax to 732 524 5889 COMPANY:



## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 732 524 5889

Fax Information

Date Received:

8/31/2006 3:56:26 PM [Eastern Daylight Time]

Total Pages:

10 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Page  
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APR. 25. 2006 3:56PM

J&amp;J LAW DEPT

NO. 0900 P. 1

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NEW BRUNSWICK, NEW JERSEY 08903

### FACSIMILE TRANSMISSION COVER SHEET

TO: Gloria Trammel

COMPANY: USPTO

COUNTRY: USA

FACSIMILE NUMBER: 571-272-1000 or 888-217-9197 or 571-279-8308

FROM: William E. McGowan, Senior Patent Counsel

TELEPHONE NO.: (732) 524-2197

ROOM NO.: WHS235

DATE: August 31, 2006

FACSIMILE NUMBER: (732) 524-5889

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL

COMMENTS: Re: Application No. 09/939464

In reply to the Notice of Non-Compliant Amendment (37 CFR 1.121),  
attached please find the Executed Amendment previously filed on  
8/3/2006.

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\* \* \* COMMUNICATION RESULT REPORT ( AUG. 31. 2006 3:58PM ) \* \* \*

FAX HEADER 1: J&J LAW DEPT  
FAX HEADER 2:TRANSMITTED/STORED : AUG. 31. 2006 3:56PM  
FILE MODE OPTION

ADDRESS

RESULT

PAGE

0108 MEMORY TX

USPTO

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10/10

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
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E-4) NO FACSIMILE CONNECTION**Johnson & Johnson**CORPORATE HEADQUARTERS  
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NEW BRUNSWICK, NEW JERSEY 08933**FACSIMILE TRANSMISSION COVER SHEET**

TO: Gloria Trammel

COMPANY: USPTO

COUNTRY: USA

FACSIMILE NUMBER: 571-272-1000 or 866-217-9197 or 571-273-8300

FROM: William E. McGowan, Senior Patent Counsel

TELEPHONE NO.: (732) 524-2197

ROOM NO.: WH3235

DATE: August 31, 2006

FACSIMILE NUMBER: (732) 524-5889

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

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COMMENTS: Re: Application No. 09/939454

In reply to the Notice of Non-Compliant Amendment (37 CFR 1.121),  
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DOCKET NO. NEU-40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Carol J. Collins, et al.  
Serial No.: 09/938,454                      Art Unit: 1615  
Filed : August 24, 2001                      Examiner: H. N. Sheikh  
For : REDUCED WAX MASCARA COMPOSITIONS

I hereby certify that this correspondence is being facsimile transmitted  
to Patent and Trademark office. Fax No. (571) 272-1000

August 31, 2006

(Date of Deposit)

William E. McGowan

(Name of applicant, assignee, or Registered Representative)  
/William E. McGowan/

(Signature)

August 31, 2006

(Date of Signature)

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Response to Notice of Non-Compliant Amendment (37 CFR 1.121)

Dear Sir:

In response to the Notice of Non-compliance sent August 14, 2006, attached please find enclosed a properly signed copy of the previously submitted response for the above referenced patent application. A copy of the Notice of Non-Compliant Amendment is also attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/NEU0040/WEM. This sheet is submitted in triplicate.

Respectfully submitted,

/William E. McGowan/

William E. McGowan  
Reg. No. 39,301  
Attorney for Applicant(s)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2197



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,454	08/24/2001	Carol J. Collins	NEU-40	2232

2777 7590 08/14/2006  
PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

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AUG 16 2006

J&amp;J PAT. DKT. SECTION

EXAMINER	
SHEIKH, HUMERA N	
ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

09/938454

Applicant(s)

Examiner

Sheikh

Art Unit

16/5

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 8/3/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

## Failure to timely respond to this notice will result in:

- Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

*Heidi G. Hammel*

Telephone No.

571-272-0561

Serial No. 09/838,454 Docket No. NEU0040USNP By: WEM/mu

Application of: Carol J. Collins et al. Mailed: August 1, 2006

Entitled: REDUCED WAX MASCARA COMPOSITIONS

**THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE  
DATES STAMPED HEREON:**

- |                                                     |                                                         |
|-----------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Combined Declaration & POA | <input type="checkbox"/> Drawings _____ sheets          |
| <input type="checkbox"/> Assignment                 | <input type="checkbox"/> MPEP 609/ _____                |
| X Response                                          | <input type="checkbox"/> Notice of Appeal               |
| <input type="checkbox"/> Fee Transmittal            | <input type="checkbox"/> Brief                          |
| X Charge to Deposit Account 10-0750                 | <input type="checkbox"/> Priority Document              |
| X Amendment                                         | <input type="checkbox"/> Status Inquiry                 |
| X Extension of Time (2 Months)                      | <input type="checkbox"/> Sequence Listings/Diskette     |
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